

**Testimony of Andrew Willner, Executive Director of NY/NJ BAYKEEPER®
On H.R. 1428 the National Fish and Wildlife
Foundation Reauthorization Act
Before the Subcommittee on Fisheries and Oceans
Longworth House Office Building, April 26, 2005**

Chairman Gilchrest, distinguished Members of the subcommittee, ladies and gentlemen, thank you for this opportunity to present testimony in strong support of HR 1428, to re-authorize appropriations for the National Fish and Wildlife Foundation (NFWF). My name is Andrew Willner; I am the Executive Director and Baykeeper for NY/NJ Baykeeper. Baykeeper is a conservation and advocacy organization – steward for the Bays and watershed of the Hudson-Raritan (New York/New Jersey Harbor) Estuary. Baykeeper's mission is to protect, preserve, and restore the ecological integrity and productivity of the Hudson-Raritan Estuary - the most urban estuary in the nation. Since 1990, we have served as citizen advocate for the Estuary's bays, streams, and shores. Baykeeper stops polluters, champions public access, influences land use decisions, and restores habitat - benefiting the natural and human communities.

Additionally Baykeeper is building a constituency to take an effective role in not just restoring and protecting the Estuary's natural resources, but building momentum for commitment at the national, state and local levels for investment in proven Estuary preservation and restoration strategies – including large-scale habitat restoration. Baykeeper intends to ensure the future of this national treasure.

Pollution has degraded water quality in the Hudson-Raritan Estuary for decades, limiting progress toward restoring key components of the ecosystem, including underwater grasses and populations of oysters, wetlands, mudflats, and riparian corridors. Much of this pollution comes from non-point sources. In order to improve the health of the Hudson-Raritan Estuary, and meet our restoration goals, scientists estimate that pollution from storm water, combined sewer overflows are not only the most significant source of pollution, but will be the most expensive to change. Therefore there needs to

be a culture change on the part of the regulatory and natural resource agencies so that they begin to consider the Estuary as important as other important ecosystems, such as the Chesapeake Bay.

In the early 1990's, Baykeeper, realizing that advocacy alone would not change the negative direction in which government enforcement of the regulations protection human health and the environment were going, and determining that only grassroots citizen action could change that trend, Baykeeper devised two co-equal and complementary programs. Conservation and Advocacy. The conservation program consists of habitat acquisition and restoration projects. Baykeeper's Conservation director works with a real estate consultant to identify, qualify appropriate open space and habitat areas – and negotiate with willing sellers for the purchase of these important conservation properties for transfer to appropriate federal, state, county and municipal parks systems, and to land conservancies. The restoration program has been and continues to be engaged in developing plans for and implementing wetlands and stream bank restoration, and community based habitat restoration including our largest current project, oyster habitat restoration. The oyster program is funded in part by grants from the Fish and Wildlife Foundation, Restore America's Estuary partnering with NOAA's community based restoration program, as well as private foundation grants, individual donations, and in-kind donations of time from over 400 volunteers, board members, and Baymen. Several proposals for commercial oyster aquaculture ventures have come about as a result of the renewed interest in oyster restoration. These commercial applications will result in significant economic development, and could result in less pressure on the already constrained hard clam beds of Raritan Bay. Although our funding from the NFWF is relatively small we believe it is critical to our efforts to preserve and restore the Estuary's critical habitats.

Baykeeper relationship with the NFWF is twofold:

1. The NFWF provides critical funding to help group grow our oyster restoration program that seeks to engage citizens in efforts that improve local habitats and water quality; program, This is a pilot for plans to implement a restoration strategy for the Hudson-Raritan Estuary
2. And NFWF is playing a critical role in assisting with the administration of a major settlement fund (\$4M) that to date has not been spent on on-the-ground work because the present trustee has little time or expertise to run a grant program. Further, NFWF's efforts are expected to leverage those funds with other partner contributions.

We fully expect that NFWF support of our programs and initiatives will result in greater emphasis on the Foundation's involvement in, and increased funding for habitat restoration projects within the Hudson-Raritan Estuary. The result would be the Estuary becoming a major focus of support much like Chesapeake Bay, Long Island Sound, and the Delaware system are today.

It is our considered opinion that Baykeeper's land acquisition and restoration work would be for naught unless we could back it up with a strong advocacy program including legal advocacy, *funded by others than the NFWF*, since the Foundation does not support lobbying, political advocacy, or litigation. As a result Baykeeper's citizen legal action taken against public and private polluters we have been able to direct millions of dollars through environmental benefit projects and supplementary environmental projects toward habitat restoration – funded by responsible parties rather than the public. We have also been able to change the way that land use and wetlands regulations are put to use by government agencies to preserve significant if impaired urban open space. And finally our advocacy and policy efforts have resulted in Natural Resource Damage assessments brought against egregious polluters throughout the Estuary.

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These two complementary programs have enabled Baykeeper to preserve thousands of acres of important habitat including but not limited to the 8000 acres of the Hackensack Meadowlands, and areas around Cheesquake Park in New Jersey. An environmental benefit project required as a result of the settlement of a case brought by NY/NJ Baykeeper, and Long Island Soundkeeper against New York City DEP for violations of nitrogen limits in sewage discharge permits will soon be managed by NFWF. Grants from the Dissolved Oxygen Fund will result in projects that will restore wetlands and other habitats in western Long Island Sound and Jamaica Bay in New York City. Additional supplementary environmental projects resulting from legal settlements against combined sewer operators in New Jersey resulted in several waterfront parks, launch ramps, and other environmental amenities.

Baykeeper's advocacy on behalf of the "polluter pays" principle has made available millions of dollars in natural resource damage funds. These projects will result in restoration of wetlands, benthic habitats, and shorelines along the Passaic River, Hudson River, and Arthur Kill – returning the benefits accruing from these resources to the public and the Trustee agencies.

Twenty years ago – in 1984 – Congress created the National Fish and Wildlife Foundation as a nonprofit, 501(c)(3) tax-exempt organization dedicated to the conservation of fish, wildlife and plants, and the habitat on which they depend. Their goals are to promote healthy populations of fish, wildlife, and plants by generating new commerce for conservation. The Foundation meets these goals by creating partnerships between the public and private sectors and strategically invests in conservation and sustainable use of natural resources.

Over the past two decades, the Foundation has identified on-the-ground conservation investment opportunities valued at over \$918 million -- more than \$305 million in federal funds and nearly \$614 million in private matching funds-- for work with more than 2,600 partners on 7,273 conservation projects nationally and internationally.

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The Foundation creates partnerships among federal, state, and local governments, corporations, private foundations, individuals, and non-profit organizations. Creating partnerships facilitates strategic identification of conservation issues and promotes efficiency and cooperation in the delivery of solutions through matching grants.

Matching grants are partially supported by congressionally appropriated dollars that must be matched by a ratio of one to one. However, the Foundation strives to maximize dollars invested in conservation and currently average more than a 2:1 return on funds entrusted to the Foundation. For every dollar that Congress provides to the Foundation, nearly \$3 in on-the-ground conservation takes place.

- 27 million acres of protected, restored, and managed wildlife habitat
- New hope for countless species under stress
- New models of private land stewardship
- Stronger educational programs in schools and local communities

The Congressionally appropriated funds entrusted to the Foundation are multiplied and delivered to conservation projects; none are used for operating expenses. The Foundation depends upon private contributions for its operating funds, and is recognized for its ability to stretch contributions. Our results are at net asset value; we do not take a “sales charge” for investing contributions, and we reinvest interest. More than 96% of combined National Fish and Wildlife Foundation revenue goes directly to conservation projects.

Baykeeper strongly supports the National Fish and Wildlife Foundation Reauthorization Act. We believe that our nation’s natural resources are at a critical juncture. Without additional public and private support for habitat acquisition and restoration, we will begin to lose crucial open space and habitat resources at an even greater rate. Although the Foundation’s efforts are only a small portion of the resources

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needed, it is a strategic component. We believe further, that more support for the Foundation is necessary. In addition to traditional Foundation giving, there is an even more pressing need – the funding of projects in urban areas like the Hudson-Raritan Estuary where the great majority of Americans live – and where the open spaces and habitat areas can serve the greatest majority of people while preserving the re-emergent and remnant urban habitats for fish and other wildlife.

We further request, because of the importance of protecting, preserving, and restoring the Hudson-Raritan Estuary's unique and important system of urban habitats and open spaces, that are within walking distance of, or a subway ride away from more than 15 million people that the subcommittee consider supplemental funding to match the \$4mm Dissolved Oxygen fund that will shortly be managed by the NFWF to expand the Foundation's mission beyond Jamaica Bay, and western Long Island Sound restoration, to include the entirety of the Hudson-Raritan Estuary watershed. Using the dissolved oxygen/nitrogen fund as the seminal funding as the genesis for a major regional focus, we can bring the most biologically diverse East Coast estuary into the family of focus areas for the Foundation.

For the aforementioned reasons, I strongly urge you to re-authorize appropriations for the National Fish and Wildlife Foundation. NFWF has a strong history of leveraging federal funds and their pooling of resources provides easier access to the limited federal funding. Their unique approach provides critical funding for restoration and protection activities.

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